

ORIGINAL

OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

2010 JUN -7 P 2:11

COMMISSIONERS

KRISTIN K. MAYES, Chairman

GARY PIERCE

PAUL NEWMAN

SANDRA D. KENNEDY

BOB STUMP

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

In the matter of

WELLS FARGO INVESTMENTS, LLC,

Respondent.

Docket No. S-20727A-10-0068

**MOTION TO TEMPORARILY  
ASSOCIATE COUNSEL PRO HAC  
VICE**

Pursuant to Rule 38(a), Ariz. R. Sup. Ct., Douglas C. Northup, a member in good standing of the State Bar of Arizona, moves the Arizona Corporation Commission, for good cause shown, to temporarily admit Michael S. Leib as counsel pro hac vice in this action. Mr. Leib desires temporary admission pro hac vice to appear on behalf of his client, Wells Fargo Investments, LLC, at the open meeting before the Arizona Corporation Commission scheduled for June 10, 2010.

Pursuant to Rule 38(a), on June 4, 2010, Mr. Leib submitted the following to the State Bar of Arizona: (i) original Verified Application for Appearance Pro Hac Vice; (ii) original Certificates of Good Standing; and (iii) the filing fee required by Rule 38. A copy of those materials is attached as Exhibit 1. We have not received the State Bar of Arizona's Notice of Receipt. Because the open meeting at which the proposed consent order will be considered by the Commission is set for June 10, 2010, counsel for Wells Fargo Investments, LLC respectfully requests that Mr. Leib be permitted to temporarily appear pro hac vice, pending completion of the application process.

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Arizona Corporation Commission  
**DOCKETED**

JUN - 7 2010

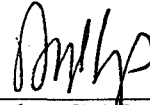
DOCKETED BY

*MM*

1 DATED this 7<sup>th</sup> day of June, 2010.

2 FENNEMORE CRAIG, P.C.

3  
4 By



Douglas C. Northup (No. 013987)  
3003 N. Central Ave., Suite 2600  
Phoenix, AZ 85012-2913  
Telephone: (602) 916-5000  
Email: [dnorthup@fclaw.com](mailto:dnorthup@fclaw.com)  
Attorneys for Respondent

1 **ORIGINAL** + 13 copies filed this  
2 7<sup>th</sup> day of June, 2010:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 W. Washington St.  
6 Phoenix, AZ 85007

7 **COPY** delivered this 7<sup>th</sup> day of June,  
8 2010, to:

9 Lyn Farmer  
10 Chief Hearing Officer  
11 Arizona Corporation Commission  
12 1200 W. Washington St.  
13 Phoenix, AZ 85007

14 Ernest G. Johnson  
15 Executive Director  
16 Arizona Corporation Commission  
17 1200 W. Washington St.  
18 Phoenix, AZ 85007

19 Matthew J. Neubert  
20 Director, Securities Division  
21 Arizona Corporation Commission  
22 1300 W. Washington St., Third Floor  
23 Phoenix, AZ 85007

24 Cheryl T. Farson  
25 General Counsel, Securities Division  
26 Arizona Corporation Commission  
1300 W. Washington St., Third Floor  
Phoenix, AZ 85007

Phyllis W. Jansen

# **EXHIBIT 1**

# ReedSmith

Michael S. Leib  
Direct Phone: +1 312 207 3928  
Email: mleib@reedsmith.com

Reed Smith LLP  
10 South Wacker Drive  
Chicago, IL 60606-7507  
+1 312 207 1000  
Fax +1 312 207 6400  
reedsmith.com

June 4, 2010

Via UPS

Pro Hac Vice Department  
State Bar of Arizona  
Suite 200  
4201 North 24th St.  
Phoenix, Arizona 85016

Dear Sir/Madam:

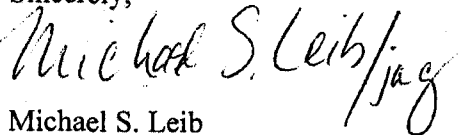
Enclosed please find:

- Application for Appearance Pro Hac Vice;
- Certificates of Good Standing from the states of Illinois, New York;
- Check number 1038782 in the amount of \$460 payable to the State Bar of Arizona.

As my appearance is scheduled for June 10, 2010, before the Arizona Corporation Commission, I respectfully request that my application be processed as quickly as possible. I am awaiting my final certificate of good standing from New Jersey and expect to receive it on Monday, June 7<sup>th</sup> and will overnight it to you for your receipt on Tuesday, June 8, 2010. Please contact Phyllis Warren of Fennemore Craig, P.C., local counsel for this matter, at 602.916.5173 and she will arrange for a messenger pick up of the completed application and accompanying documents so that they may be filed with the Arizona Corporation Commission.

If you have any questions, please do not hesitate to contact me at the above number or my paralegal Jane Anne Gross at (312)207-2436.

Sincerely,



Michael S. Leib  
Reed Smith LLP

MSL:jag

Enclosures



Attn: Pro Hac Vice Dept  
PO Box 53099  
Phoenix, AZ 85072-3099  
Phone: 602-340-7239

For Official Use Only

App# \_\_\_\_\_

Bar Number# \_\_\_\_\_

### Application for Appearance Pro Hac Vice

#### **PART I: Applicant Information**

Name of Applicant: Michael S. Leib

Firm/Company Name: Reed Smith LLP

Office Address: 10 S. Wacker Drive, Chicago, IL 60606-7507

Telephone: (312) 207-3928 Fax: (312) 207-6400 Email Address: mleib@reedsmith.com

Residence Address: 913 W. Fletcher, 1<sup>st</sup> Floor, Chicago, IL 60657

Title of cause or case where applicant seeks to appear: In the Matter of Wells Fargo Investments, LLC

Docket Number: S-20727-10-0068

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: Wells Fargo Investments LLC

**Pursuant to Arizona Supreme Court Rule 38(i)(3), the applicant shall complete the information below:**

Courts to Which Applicant Has Been Admitted:

*(Attach additional pages if needed)*

New Jersey State Court

New York State Court

Illinois State Court

Date of Admission:

12/19/1996

08/19/1997

11/06/1997

Bar Number:

029271996

2842334

ARDC#6243348

☒ Applicant is a member in good standing in such courts.

☒ Applicant is not currently disbarred or suspended in any court.

Applicant ☐ is / ☒ is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under AZ ST S.Ct., Rule 38(a) in the following:

Title of Matter:

Docket #:

Court or Agency:

App Granted? (Y/N)

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause ☐ is / ☒ is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.

If applicable, please provide related or consolidated matter application or docket# \_\_\_\_\_

**PART II: Local Counsel Information**

Name of Arizona Local Counsel: Douglas C. Northup

State Bar of Arizona Number: 013987

Address: 3003 N. Central Ave., Suite 2600, Phoenix, AZ 85012-2913

Telephone: (602) 916-5362

Fax: (602) 916-5562

Email Address: dnorthup@fclaw.com

☒ Local Counsel is a member in good standing.

☒ Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

**PART III: Parties and Certification**

Name(s) of each party in this cause and name and address of all counsel of record:

Party:

Wells Fargo Investments LLC

Counsel of Record:

Michael S. Leib

Address:

Reed Smith, 10 S. Wacker Dr.,

Chicago, IL 60606-7507

Securities Division - Arizona

Cheryl T. Farson,

Securities Division, 1300 West Washington,

Corporation Commission

General Counsel, Securities Div.

3<sup>rd</sup> Floor, Phoenix, AZ 85007

☒ Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

☒ Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

**Verification**

STATE OF Illinois

County of Cook ss.

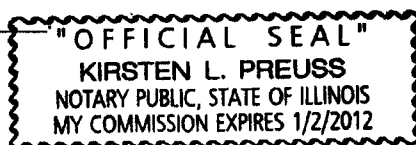
I, Michael Leib, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 5/28/10

Applicant's Signature: Michael Leib

SUBSCRIBED AND SWORN TO before me this 28<sup>th</sup> day of May, 2010, by

Michael S. Leib  
Name of Applicant



Kirsten L. Preuss  
Notary Public

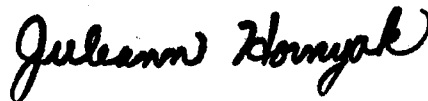
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Michael Scott Leib

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 6, 1997 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Wednesday, May 26, 2010.



Clerk





*State of New York*  
*Supreme Court, Appellate Division*  
*Third Judicial Department*

*I, Michael J. Novack, Clerk of the Appellate Division of the  
Supreme Court of the State of New York, Third Judicial Department, do  
hereby certify that*

*Michael Scott Leib*

*having taken and subscribed the Constitutional Oath of Office as prescribed by  
law, was duly licensed and admitted to practice by this Court as an Attorney  
and Counselor at Law in all courts of the State of New York on the 19th day  
of August, 1997, is currently in good standing and is registered with the  
Administrative Office of the Courts as required by section four hundred sixty-  
eight-a of the Judiciary Law.*

*In Witness Whereof, I have hereunto set my hand  
and affixed the Seal of said Court, at the  
City of Albany, this 27th day of May,  
2010.*



*Michael J. Novack*  
\_\_\_\_\_  
*Clerk*

No. 1038782

PAYEE NAME: STATE BAR OF ARIZONA		VENDOR ID: 24828		CHK DATE: 06/03/2010	
DATE	VOUCHER ID	INVOICE NUMBER	DESCRIPTION	AMOUNT	
05/28/2010	1554040	052810JACG	RUTH PEIPER	\$ 460.00	
REED SMITH LLP P.O. Box 2009 Pittsburgh, PA 15230				TOTAL \$	460.00

THIS DOCUMENT CONTAINS SECURITY FEATURES - SEE BACK FOR DETAILS

Mellon Bank, N.A.  
Pittsburgh, Pennsylvania

ReedSmith LLP

P.O. Box 2009  
Pittsburgh, PA 15230

No. 1038782

8-26/430

06/03/2010

PAY Four Hundred Sixty & no/100 Dollars

\$ \*\*\*\*\*460.00

TO THE ORDER OF

STATE BAR OF ARIZONA

*[Signature]*

11" [Redacted] :

# ReedSmith

---

Michael S. Leib  
Direct Phone: +1 312 207 3928  
Email: mleib@reedsmith.com

Reed Smith LLP  
10 South Wacker Drive  
Chicago, IL 60606-7507  
+1 312 207 1000  
Fax +1 312 207 6400  
reedsmith.com

June 7, 2010

Via UPS

Pro Hac Vice Department  
State Bar of Arizona  
Suite 200  
4201 North 24th St.  
Phoenix, Arizona 85016

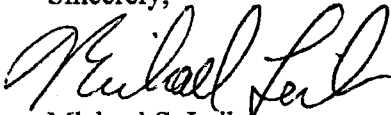
**RE: Pro Hac Vice Application**

Dear Sir/Madam:

Enclosed please find my Certificate of Good Standing issued by the State of New Jersey. This completes my application for an Appearance Pro Hac Vice needed to appear before the Arizona Corporation Commission. The rest of the application: the application form, certificates from the states of New York and Illinois and the \$460 application fee, were sent to you via UPS for deliver on Monday, June 7, 2010.

If you have any questions concerning my application, please do not hesitate to contact me at the above numbers or my paralegal, Jane Anne Gross at (312) 207-2436.

Sincerely,



Michael S. Leib  
Reed Smith LLP

MSL:jag

Enclosure

# Supreme Court of New Jersey

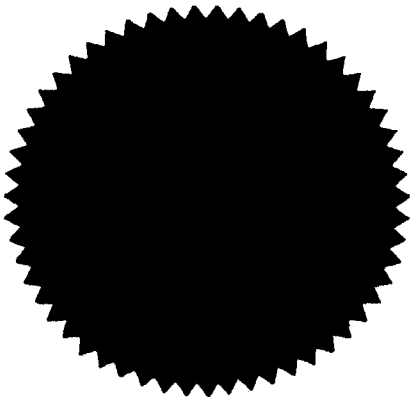


## Certificate of Good Standing

*This is to certify that*      **MICHAEL SCOTT LEIB**  
(No.      **029271996**      ) *was constituted and appointed an Attorney at Law of New*  
*Jersey on*      **December 19, 1996**      *and, as such,*  
*has been admitted to practice before the Supreme Court and all other courts of this State*  
*as an Attorney at Law, according to its laws, rules, and customs.*

*I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.*

*Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.*



*In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this*  
**4TH**      *day of*      **June**      , 20      **10** .

Clerk of the Supreme Court